

Exhibit 5

EXHIBIT A – DEFENDANTS PATENT RULE 4-2 LIST OF PROPOSED TERMS, PRELIMINARY PROPOSED CONSTRUCTIONS, AND EXTRINSIC EVIDENCE

U.S. Patent No. 8,589,541 Asserted Claims: 1–174			
Claim Term or Phrase	Claim Nos.	Defendants’ Preliminary Proposed Construction	Extrinsic Evidence
“one or more prospective . . . communications [over a wireless network]”	Cl. 1-174	Indefinite.	<p>Plaintiff’s P.R. 3-1 Disclosure of Asserted Claims and Infringement Contentions.</p> <p>Dr. Turnbull may offer testimony explaining what a person of ordinary skill would have been unable to ascertain the bounds of this claim term, which renders it indefinite.</p>
”service usage activity”	Cl. 1-174	“an activity by the first software component that requires usage of a wireless network connection”	<p>Plaintiff’s P.R. 3-1 Disclosure of Asserted Claims and Infringement Contentions.</p> <p>Dr. Turnbull may offer testimony explaining what a person of ordinary skill would have understood this term to mean in light of the intrinsic and extrinsic evidence. Defendants may also rely on Dr. Turnbull to respond to Headwater’s claim construction position on this term and alleged support, including as to why Defendant’s position should be adopted over that of Headwater’s.</p>
“background activity”	Cl. 1-174	Indefinite.	<p>Plaintiff’s P.R. 3-1 Disclosure of Asserted Claims and Infringement Contentions.</p> <p>Dr. Turnbull may offer testimony explaining what a person of ordinary skill would have been unable to ascertain the bounds of this claim term, which renders it indefinite.</p>

U.S. Patent No. 9,198,042 Asserted Claims: 1–9, 12–14, 16–18			
Claim Term or Phrase	Claim Nos.	Defendants’ Preliminary Proposed Construction	Extrinsic Evidence
“device service state”	Cl. 1-18	“information about the current status of the device required to adequately define the actions needed from the service controller to maintain proper device-assisted service (DAS) system operation”	<p>Plaintiff’s P.R. 3-1 Disclosure of Asserted Claims and Infringement Contentions.</p> <p>Dr. Turnbull may offer testimony explaining what a person of ordinary skill would have understood this term to mean in light of the intrinsic and extrinsic evidence. Defendants may also rely on Dr. Turnbull to respond to Headwater’s claim construction position on this term and alleged support, including as to why Defendant’s position should be adopted over that of Headwater’s.</p>
“service policy setting”	Cl. 1-18	“rule for governing network service usage that can be implemented on the device”	<p>CLI Book 2: Cisco ASA Series Firewall CLI Configuration Guide, Ch. Service Policy, https://www.cisco.com/c/en/us/td/docs/security/asa/asa94/config-guides/cli/firewall/asa-94-firewall-config/inspect-service-policy.html (last visited July 19, 2024) [TMO_HW00044535–942]</p> <p><i>What is Network Policy</i>, Cisco, https://www.cisco.com/c/en/us/solutions/enterprise-networks/what-is-network-policy.html (last visited July 19, 2024) [TMO_HW00044962–969]</p> <p><i>Security Policy Settings</i>, Microsoft, https://learn.microsoft.com/en-us/previous-versions/windows/it-pro/windows-10/security/threat-protection/security-policy-settings/security-policy-settings (last visited July 19, 2024) [TMO_HW00044943–961]</p> <p>Plaintiff’s P.R. 3-1 Disclosure of Asserted Claims and Infringement Contentions.</p> <p>Dr. Turnbull may offer testimony explaining what a person of ordinary skill would have understood this term to mean in light of the intrinsic and extrinsic evidence. Defendants may also rely on Dr. Turnbull to respond to Headwater’s claim construction position on this term and alleged support, including as to why Defendant’s position should be adopted over that of Headwater’s.</p>

U.S. Patent No. 9,198,042 Asserted Claims: 1–9, 12–14, 16–18			
Claim Term or Phrase	Claim Nos.	Defendants’ Preliminary Proposed Construction	Extrinsic Evidence
“protected partition”	Cl. 1-18	“a secure device assisted service execution environment”	<p>Plaintiff’s P.R. 3-1 Disclosure of Asserted Claims and Infringement Contentions.</p> <p>Dr. Turnbull may offer testimony explaining what a person of ordinary skill would have understood this term to mean in light of the intrinsic and extrinsic evidence. Defendants may also rely on Dr. Turnbull to respond to Headwater’s claim construction position on this term and alleged support, including as to why Defendant’s position should be adopted over that of Headwater’s.</p>

U.S. Patent No. 9,215,613 Asserted Claims: 1–24			
Claim Term or Phrase	Claim Nos.	Defendants’ Preliminary Proposed Construction	Extrinsic Evidence
“differential traffic control policy”	Cl. 1-24	“rules for controlling network traffic that distinguishes between two or more things”	<p>CLI Book 2: Cisco ASA Series Firewall CLI Configuration Guide, Ch. Service Policy, https://www.cisco.com/c/en/us/td/docs/security/asa/asa94/config-guides/cli/firewall/asa-94-firewall-config/inspect-service-policy.html (last visited July 19, 2024) [TMO_HW00044535–942]</p> <p><i>What is Network Policy</i>, Cisco, https://www.cisco.com/c/en/us/solutions/enterprise-networks/what-is-network-policy.html (last visited July 19, 2024) [TMO_HW00044962–969]</p> <p><i>Security Policy Settings</i>, Microsoft, https://learn.microsoft.com/en-us/previous-versions/windows/it-pro/windows-10/security/threat-protection/security-policy-settings/security-policy-settings (last visited July 19, 2024) [TMO_HW00044943–961]</p> <p>Plaintiff’s P.R. 3-1 Disclosure of Asserted Claims and Infringement Contentions.</p> <p>Dr. Turnbull may offer testimony explaining what a person of ordinary skill would have understood this term to mean in light of the intrinsic and extrinsic evidence. Defendants may also rely on Dr. Turnbull to respond to Headwater’s claim construction position on this term and alleged support, including as to why Defendant’s position should be adopted over that of Headwater’s.</p>
“classify whether a particular application capable of both interacting with the user in a user interface foreground of the device, and at least some Internet service activities when not interacting with the	Cl. 1-24	Indefinite.	<p>Plaintiff’s P.R. 3-1 Disclosure of Asserted Claims and Infringement Contentions.</p> <p>Dr. Turnbull may offer testimony explaining what a person of ordinary skill would have been unable to ascertain the bounds of this claim term, which renders it indefinite.</p>

U.S. Patent No. 9,215,613 Asserted Claims: 1–24			
Claim Term or Phrase	Claim Nos.	Defendants’ Preliminary Proposed Construction	Extrinsic Evidence
user in the device user interface foreground, is interacting with the user in the device user interface foreground”			
“the user of the device is directly interacting with that application or perceiving any benefit from that application”	Cl. 6	Indefinite.	Plaintiff’s P.R. 3-1 Disclosure of Asserted Claims and Infringement Contentions. Dr. Turnbull may offer testimony explaining what a person of ordinary skill would have been unable to ascertain the bounds of this claim term, which renders it indefinite.